

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Plaintiff,

v.

U.S. MAIL, *et al.*,

Defendants.

Case No. 2:21-cv-01665-APG-EJY

ORDER

I. DISCUSSION

On September 9, 2021, Plaintiff, an inmate currently located at Southern Nevada Adult Mental Health Services, submitted a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff did not submit a complaint in compliance with Local Special Rule 2-1. Plaintiff also did not submit an application to proceed *in forma pauperis* or paid the full \$402 filing fee in this matter.

A. Plaintiff's Initiating Document. The Court notes that Plaintiff's document at ECF No. 1-1 does not comply with Local Special Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court's form. Plaintiff's complaint does neither.

B. There is No Application to Proceed in Forma Pauperis.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed Application to Proceed in Forma Pauperis for Inmate, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

Plaintiff has not submitted a complete *in forma pauperis* application.

II. ORDER

IT IS HEREBY ORDERED that the Clerk of the Court shall send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his original document at Docket No. 1-1.

IT IS FURTHER ORDERED that Plaintiff shall have until on or before **November 9, 2021** to submit complaint to the Court in compliance with LSR 2-1.

IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance with LSR 2-1 on or before **November 9, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file a complaint in compliance with LSR 2-1.

IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **November 9, 2021**, Plaintiff shall either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
2 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
3 on or before **November 9, 2021**, this case will be subject to dismissal without prejudice for Plaintiff
4 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
5 needed to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

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7 DATED this 20th day of September, 2021.

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10 ELAYNA J. YOUCHAK
11 UNITED STATES MAGISTRATE JUDGE
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